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10 Attorneys for Defendants
11 COUNTY OF SAN MATEO and ROBERT
12 FOUCAULT, individually and as Coroner, SAN
13 MATEO COUNTY

14 ISOLINA PICON,

15 Plaintiff,

16 vs.

17 COUNTY OF SAN MATEO, ROBERT
18 FOUCAULT, individual and as Coroner, SAN
19 MATEO COUNTY

20 Defendants.

21 Case No. 08-0766 SC

22 **DECLARATION OF GLENN M. LEVY**

23 Hearing:

24 Date: April 4, 2008
25 Time: 10:00 a.m.
26 Judge: Hon. Samuel Conti
27 Courtroom: 1, 17th Floor

1 I, Glenn M. Levy, hereby declare as follows:

2 1. I am a Deputy County Counsel for the County of San Mateo. I submit this declaration in
3 support of the Defendants' Reply Memorandum In Support Of Motion To Dismiss Pursuant To Rule
4 12(b)(6) Of The Federal Rules Of Civil Procedure, filed concurrently with this declaration. The
5 following is within my personal knowledge, and if called as a witness, I could and would testify
6 competently as to these matters.

7 2. Attached as Exhibit A to this declaration is a true and correct copy of the text of former
8 Section 7150.1 of the California Health and Safety Code.

9 3. Attached as Exhibit B to this declaration is a true and correct copy of the text of former
10 Section 7150.2 of the California Health and Safety Code.

11 4. I declare under penalty of perjury of the laws of the State of California that the foregoing
12 is true and correct. Executed this 21st day of March 2008 at Redwood City, California.

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14 _____ /s/
15 Glenn M. Levy
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Exhibit A

West's Ann.Cal.Health & Safety Code § 7150.1

West's Annotated California Codes Currentness

Health and Safety Code ([Refs & Annos](#))

Division 7. Dead Bodies ([Refs & Annos](#))

Part 1. General Provisions

Chapter 3.5. Uniform Anatomical Gift Act ([Refs & Annos](#))

→§ 7150.1. Definitions

As used in this chapter:

(a) "Anatomical gift" means a donation of all or part of a human body or a pacemaker to take effect upon or after death.

(b) "Decedent" means a deceased individual and includes a stillborn infant or fetus.

(c) "Document of gift" means a card, a statement attached to or imprinted on a motor vehicle operator's or chauffeur's license, a will, or other writing used to make an anatomical gift.

(d) "Donor" means an individual who makes an anatomical gift of all or part of the individual's body or a pacemaker.

(e) "Enucleator" means an individual who removes or processes eyes or parts of eyes.

(f) "Hospital" means a facility licensed, accredited, or approved as a hospital under the law of any state or a facility operated as a hospital by the United States government, a state, or a subdivision of a state.

(g) "Part" means an organ, tissue, eye, bone, artery, blood, fluid, or other portion of a human body or a pacemaker.

(h) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, joint venture, association, government, governmental subdivision or agency, or any other legal or commercial entity.

(i) "Physician" or "surgeon" means an individual licensed or otherwise authorized to practice medicine and surgery or osteopathic medicine and surgery under the laws of any state.

(j) "Procurement organization" means a person licensed, accredited, or approved under the laws of any state or by the State Department of Health Services for procurement, distribution, or storage of human bodies or parts.

West's Ann.Cal.Health & Safety Code § 7150.1

(k) "State" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(l) "Technician" means an individual who has completed training in removal of parts for transplant, therapeutic, or scientific purposes, which the donee determines to be adequate for the purpose.

CREDIT(S)

(Added by Stats.1988, c. 1095, § 2. Amended by Stats.1993, c. 226 (A.B.1987), § 11; Stats.1994, c. 1010 (S.B.2053), § 157.)

HISTORICAL AND STATUTORY NOTES

2007 Electronic Pocket Part Update

1994 Legislation

Subordination of legislation by Stats.1994, c. 1010 (S.B.2053), see Historical and Statutory Notes under Business and Professions Code § 128.

1996 Legislation

Legislative declaration of Stats.1996, c. 57 (S.B.141), § 30, relating to the rendition of professional services by a limited liability company, see Historical and Statutory Notes under Code of Civil Procedure § 699.720.

Derivation: Former § 7150.5, added by Stats.1970, c. 1006, § 3, amended by Stats.1982, c. 280, § 1.

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Exhibit B



West's Ann.Cal.Health & Safety Code § 7150.2

West's Annotated California Codes Currentness

Health and Safety Code (Refs & Annos)

Division 7. Dead Bodies (Refs & Annos)

Part 1. General Provisions

Chapter 3.5. Uniform Anatomical Gift Act (Refs & Annos)

→§ 7150.2. Regulations; legislative intent

(a) The State Department of Health Services shall have oversight and regulatory authority with respect to the implementation in this state of the Uniform Anatomical Gift Act.

(b) The State Department of Health Services shall adopt regulations that provide for the implementation of this chapter. Regulations adopted pursuant to this section shall include, but not be limited to, providing public awareness of being an organ and tissue donor and of the importance of informed consent prior to donation.

(c)(1) It is the intent of the Legislature that no provision of this section be construed to be in conflict with federal law.

(2) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

CREDIT(S)

(Added by Stats.2000, c. 829 (A.B.2167), § 2.)

CROSS REFERENCES

Department of Motor Vehicles, duty to make available on licenses and identification cards space for sign or notice describing this Act, duty to make available information about registry and how donations may be made, see Vehicle Code § 1672.

Drivers' licenses, issuance and renewal, information to be provided on organ and tissue donation including a enrollment form for the California Organ and Tissue Donor Registry, see Vehicle Code § 12811.

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